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14 MARK L. GRINGERI

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16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18 SAN JOSE DIVISION  
19

20 MARK L. GRINGERI,

21 Plaintiff,

22 vs.

23 MERRILL LYNCH, PIERCE, FENNER &  
24 SMITH, INCORPORATED,

25 Defendant.  
26  
27  
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CASE NO. C 08-03453 JW

STIPULATED REQUEST FOR ORDER  
EXTENDING DEADLINE FOR HEARING  
OF DISPOSITIVE MOTIONS AND  
[PROPOSED] ORDER

(N.D. Cal. Civil Local Rules 6-1, 6-2 & 7-12)

Judge: The Honorable James Ware

1 WHEREAS, the Court's June 9, 2009 Order provides that last date to hear dispositive  
2 motions and an anticipated motion for summary judgment shall be on September 14, 2009;

3 WHEREAS, the parties cannot schedule a hearing for dispositive motions during the  
4 time period between July 13, 2009 through August 14, 2009, due to the Court's unavailability;

5 WHEREAS, the parties cannot schedule a hearing for dispositive motions during the  
6 time period between August 17, 2009 to August 31, 2009, because the Court has reserved those  
7 dates for the hearing of motions in criminal matters;

8 WHEREAS, the parties cannot schedule a hearing for dispositive motions on  
9 September 7, 2009, which is a federal holiday;

10 WHEREAS, September 14, 2009 and September 21, 2009 are no longer available for  
11 the hearing of dispositive motions;

12 WHEREAS, the parties are unable to schedule a hearing for dispositive motions on  
13 September 28, 2009, which is a religious holiday;

14 WHEREAS, the parties are unable to establish a dispositive motion briefing schedule  
15 with a hearing date of October 5, 2009, due to scheduling constraints;

16 WHEREAS, the parties cannot schedule a hearing for dispositive motions on October  
17 12, 2009, which is a federal holiday;

18 WHEREAS, the parties have agreed, subject to the Court's approval, to extend the last  
19 day to hear dispositive motions to October 19, 2009;

20 WHEREAS, the parties have agreed, subject to the Court's approval, that motions and  
21 opening briefs shall be due on September 4, 2009, opposition briefs shall be due on September  
22 25, 2009, and reply briefs shall be due on October 9, 2009;

23 WHEREAS, the parties and the Court have set a preliminary trial date of January 12,  
24 2010;

25 IT IS HEREBY STIPULATED THAT:

26 The last date for the hearing of dispositive motions shall be set for October 19, 2009.  
27 Motions and opening briefs shall be due on September 4, 2009, opposition briefs shall be due on  
28 September 25, 2009, and reply briefs shall be due on October 9, 2009.

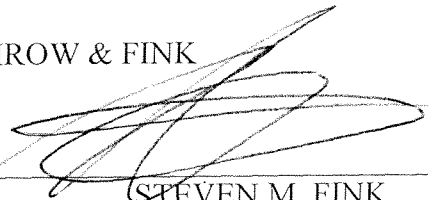
1 DATED: June 30, 2009

MUNGER, TOLLES & OLSON LLP

2  
3 By:   
SORAYA C. KELLY

4 Attorneys for Defendant  
5 MERRILL LYNCH, PIERCE, FENNER &  
6 SMITH, INCORPORATED

7 MESIROW & FINK


8  
9 By:   
STEVEN M. FINK

10 Attorneys for Plaintiff  
11 MARK L. GRINGERI

1 PURSUANT TO STIPULATION, IT IS SO ORDERED. The last date for the hearing  
2 of dispositive motions shall be set for October 19, 2009. Motions and opening briefs shall be due  
3 on September 4, 2009, opposition briefs shall be due on September 25, 2009, and reply briefs  
4 shall be due on October 9, 2009.

5 The Court sets the hearing on anticipated dispositive motions for **October 19, 2009 at 9:00 AM**. The parties shall  
6 adhere to the stipulated briefing schedule. All other dates remain unchanged. The Court will not entertain further  
7 requests for continuances.

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DATED: July 10, 2009

  
HONORABLE JUDGE JAMES WARE

**CERTIFICATION**

I, Soraya C. Kelly, am the ECF User whose identification and password are being used to file this STIPULATED REQUEST FOR ORDER EXTENDING DEADLINE FOR HEARING OF DISPOSITIVE MOTIONS AND [PROPOSED] ORDER. In compliance with General Order 45.X.B., I hereby attest that Steven M. Fink concurred in this filing.